

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:)
)
Margaret Eagle, Owner/Operator,)
)
Belle Isle Store)
818 Belle Isle Street)
St. Michael, ND 58370,)
)
Respondent.)

Docket No. RCRA-08-2012-0003

2014 SEP -9 PM 1:55

EPA REGION VIII
HEARING CLERK

COMPLAINANT'S SECOND STATUS REPORT

Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned attorney, provides the following Second Status Report in the above-referenced matter pursuant to the ORDER TO FILE SECOND STATUS REPORT issued by the Honorable Elyana R. Sutin, Presiding Officer, on August 19, 2014. This Second Status Report updates Complainant's Status Report of February 3, 2014, by informing the Presiding Officer of the State of North Dakota Department of Health's interest in removing the underground storage tank (UST) subject to this action on the Respondent's behalf, the results of EPA's follow-up UST inspection of the Belle Isle Store in April 2014, and any additional information regarding this matter.

EPA re-inspected the Belle Isle Store for UST compliance on April 14, 2014. Neither Ms. Margaret Eagle, Belle Isle Store owner and operator, nor an authorized representative were present at the inspection. The EPA determined based on the inspection that the UST remained in noncompliance with the temporary closure regulations.

As of May 13, 2014, the North Dakota Department of Health had not determined whether or not to remove the Respondent's USTs. Because a release is not suspected, it is unlikely that the UST is eligible for the State's Leaking Underground Storage Tank Fund.

On August 26, 2014, the undersigned was informed by Ms. Eagle's daughter, Nicole Eagle, that Ms. Eagle had passed away on April 4, 2014. This additional information is confirmed by Ms. Eagle's

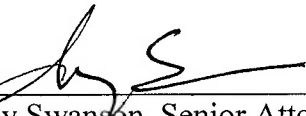
obituary posted in the local paper The Belle Isle Store currently is closed and boarded-up due to vandalism. Ms. Eagle's assets, including the Belle Isle Store, currently are involved in probate.

Based on the additional information that Ms. Eagle is deceased and that the Belle Isle Store is involved in probate, the EPA plans to file a motion with the Presiding Officer on or before September 12, 2014, to withdraw the Complaint filed in this matter. The Region 8 UST Program will inform Nicole Eagle of the outcome of the Complainant's motion and the applicable temporary closure regulations. Following the close of the court procedure determining the distribution of Ms. Eagle's assets, the EPA Region 8 UST Program will follow-up with the legal owner of the property regarding the UST temporary closure requirements and plans for the future use of the UST.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 9/9/2014

By: 

Amy Swanson, Senior Attorney
Legal Enforcement Program
EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, Colorado 80202-1129
Telephone: (303) 312-6906

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the COMPLAINANT'S SECOND STATUS REPORT were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was served as follows:

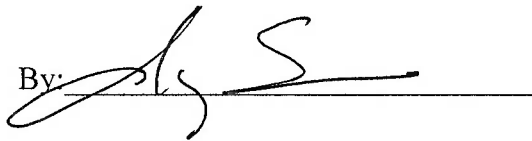
By hand-delivery:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

By mail to:

Ms. Nicole Eagle
P.O. Box 180
St. Michael, ND 58370

Date: 9/9/2014

By:  _____